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SUBJECT: MENON SAYS MUNICH MEETING HAS "CLEARED UP" INDIA'S
IAEA ISSUES

Classified By: Political Counselor Ted Osius for Reasons 1.4 (B and D)

¶1. (C) Foreign Secretary Shivshankar Menon told the Ambassador February 11 that the February 9 meeting in Munich between Indian National Security Advisor M.K. Narayanan, Department of Atomic Energy (DAE) Secretary Anil Kakodkar and IAEA Director General (DG) Mohammad ElBaradei has allowed India to move forward to the next round of IAEA talks. In fact, Menon related, India's negotiating team is ready to go to Vienna as soon as the IAEA Secretariat gives the go-ahead. Menon said that he had told Dr. Ravi Grover, the DAE representative at the IAEA talks, to secure the dates with the Secretariat.

¶2. (C) Menon related that the Munich meeting "almost cleared up everything." "The DG said, 'yes, yes, yes,' or 'I'll look into it,'" in a way that indicated he would help to resolve India's issues. Menon reported that the DG made clear that he understood India's stance that the IAEA safeguards agreement "flows from our international understandings." Regarding the perpetuity of safeguards, Menon assured the Ambassador that "India is not questioning the permanence of safeguards, but rather permanent fuel, permanent safeguards." Menon compared India's safeguards position to that of nuclear testing, in which India retained the right to test, and the U.S. and other countries have the right to retaliate in case of a test.

¶3. (C) Menon complained that the IAEA Secretariat has kept going back on ElBaradei's assurances. However, Menon noted that during the Munich meeting ElBaradei called the head of the IAEA legal department to convey his directions to the IAEA team. "They left very happy," Menon said. "We now have an understanding and we need to reflect that, but we will see what they actually do in the drafting." The Ambassador pressed that it was essential to finish the safeguards agreement quickly. Menon replied, "That is why told the IAEA we are ready to send our guys right now."

¶4. (C) Comment: While Menon expressed his satisfaction with the Munich gathering, he gave little notice that India would actually close the safeguards agreement during the next round, which the stubborn Grover will again lead. Menon conditioned his positive language with the expectation that the IAEA Secretariat will again neglect to put ElBaradei's assurances in writing, especially while the DG is out of Vienna. Still, the good meeting between the principal players shows that the Indian government may finally move ahead, even if the onward path for the safeguards agreement still remains enshrouded in domestic political fog.

15. (C) Ambassador Mulford did not have the opportunity to clear this cable before departing post.

MULFORD